

**AFFIDAVIT IN SUPPORT OF  
COMPLAINTS AND ARREST WARRANTS**

1. I, Robert J. Olsen, Special Agent with the United States Drug Enforcement Administration (“DEA”), being duly sworn, depose and state:

**INTRODUCTION**

2. I make this affidavit in support of an application for a criminal complaint charging Charles LAVERTY, Thomas LAVERTY, and Andrea LAVERTY with the offense of conspiring to manufacture a controlled substance, to distribute a controlled substance, and to possess a controlled substance with intent to distribute, in violation of 21 U.S.C. § 846. In addition, I am seeking arrest warrants for Charles, Thomas and Andrea LAVERTY.

3. I have been a Special Agent with the DEA since 1995 and am currently assigned to the Worcester High Intensity Drug Trafficking Area (“HIDTA”) Task Force of the New England Field Division. During the course of my employment with the DEA, I have received specialized training regarding the activities of narcotics traffickers and various aspects of narcotics investigation, including the methods used (a) to package, transport, store and distribute narcotics, and (b) to conceal and launder the proceeds of narcotics trafficking.

4. In addition to my training, I have had extensive experience in the investigation of the activities of narcotics traffickers. Since joining the DEA, I have participated in hundreds of narcotics investigations, both as a case agent and in subsidiary roles, relating to the distribution of controlled substances, including marijuana, cocaine, cocaine base, heroin, oxycodone and other illegal substances. I have participated in almost all aspects of narcotics trafficking investigations including, but not limited to, acting in undercover capacities, conducting surveillance, using confidential informants, executing arrest and search and seizure warrants, and conducting court-authorized electronic surveillance. I have participated in the debriefing of numerous defendants,

informants and witnesses who had personal knowledge regarding large-scale narcotics trafficking organizations. I have sworn out affidavits in support of search warrants, wire communications intercepts, tracking warrants and other applications, and have testified in federal and state court proceedings to include trials, grand juries and hearings. I have specific experience in investigating illegal indoor marijuana cultivation operations (*a/k/a* marijuana grows), and I have been involved in the application and/or execution of search warrants for numerous marijuana grows.

5. The information set forth in this affidavit is based on an investigation conducted by law enforcement agents, including myself. This affidavit does not contain every fact known to me with respect to this investigation. Rather, it contains those facts that I believe to be necessary to establish probable cause for issuance of the requested complaints and arrest warrants.

### **BACKGROUND**

6. 843 Main Street, Clinton, Massachusetts (“843 Main Street”) is a residential building with a large attached space that can accurately be described as a warehouse or garage. According to Massachusetts Registry of Motor Vehicle (“RMV”) records, Thomas LAVERTY and PERSON 1 reside at 843 Main Street.<sup>1</sup>

7. Chuck Lavery & Son, Inc. (hereinafter, “LAVERTY & SON”) is a business with its principal office at 5 Victoria Terrace, Millbury, Massachusetts (“5 Victoria Terrace”). According to RMV records, 5 Victoria Terrace is the residence of Charles LAVERTY (*a/k/a* Chuck Lavery) and Andrea LAVERTY. According to records from the Massachusetts Secretary of State, Andrea LAVERTY is the President of LAVERTY & SON.

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<sup>1</sup> The identity of PERSON 1 is known to this affiant but will not be disclosed herein, as PERSON 1 is not the subject of the requested complaint or arrest warrants.

8. LAVERTY & SON's website, [www.chucklaverty.com](http://www.chucklaverty.com), lists Charles LAVERTY as the owner/manager of the LAVERTY & SON plumbing business and lists Thomas LAVERTY as a contact.

9. It is my understanding that Thomas LAVERTY is the son of Charles LAVERTY and Andrea LAVERTY.

10. Rent for 843 Main Street has been paid via checks on a LAVERTY & SON checking account. Between July 2016 and June 2017, Andrea LAVERTY signed nine of the twelve monthly rent checks, and Charles LAVERTY signed the other three checks.

11. Based on information developed during this investigation, I believe that LAVERTY & SON provides some legitimate plumbing services, but that Charles LAVERTY, Thomas LAVERTY, and Andrea LAVERTY primarily use their family business as a front for a large-scale, commercial marijuana cultivation and distribution operation. Vehicles, bank accounts, and premises associated with LAVERTY & SON have been frequently used to facilitate drug manufacturing, storage, and distribution.

12. I further believe that 843 Main Street (residence of Thomas LAVERTY and PERSON 1) has been used to house a large-scale marijuana grow operation, and that 5 Victoria Terrace (residence of Charles LAVERTY and Andrea LAVERTY) has been used for the storage and distribution of large quantities of marijuana.

## **CASH ACTIVITY**

13. Certain bank records demonstrate that significant cash deposits were made into bank accounts in the names of both Thomas LAVERTY and Andrea LAVERTY in and around 2016 and 2017, as well as into a LAVERTY & SON account.<sup>2</sup>

14. For example, during one week in January 2017, approximately \$12,100 in cash was deposited into a bank account owned by Thomas LAVERTY and PERSON 1 (account ending 4271). Those funds were used for purposes including to pay private school tuition and to make payments on a 2017 Subaru and a 2012 Dodge Challenger.

15. By further example, Andrea LAVERTY is a beneficiary on a Fidelity Bank account (with number ending 5528).<sup>3</sup> There were numerous large cash deposits into that account in the months leading up to May 2017. On May 16, 2017, there was a \$28,000 withdrawal from this account. On May 16, 2017, Andrea LAVERTY used a \$28,000 Fidelity Bank check as a down payment on a 2017 Chevrolet Corvette with a total price of approximately \$80,000.

## **ELECTRICAL USAGE AT 843 MAIN STREET**

16. According to National Grid, Thomas LAVERTY has been the subscriber for electrical service at 843 Main Street since July 2016 (account ending in 5024). The bill for this account is sent to 5 Victoria Terrace – home of Charles and Andrea LAVERTY.

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<sup>2</sup> Based on my training and experience, when individuals involved in the distribution of narcotics seek to use the cash proceeds of their narcotics sales in ways that are not conducive to cash transactions (*e.g.*, to make electronic purchases or to pay bills), they will often do so by depositing large amounts of cash into their bank accounts. Put another way, large cash deposits into a bank account often signify that the account is used to deposit proceeds from drug sales or other illegal activity.

<sup>3</sup> This account is held in the name of another individual believed to be a relative of Andrea LAVERTY.

17. The electrical usage for 843 Main Street (account ending in 5024) has been abnormally high since late 2016. For example, the kilowatt hour usage (KWh) usage for the month ending June 2017 was 40,600, and the KWh usage for the month ending May 2017 was 40,000.<sup>4</sup> Based on my training and experience, this abnormally high electrical usage is consistent with the electricity needed for a large-scale, commercial marijuana grow operation.<sup>5</sup>

18. Monthly bills for the electrical service provided for 843 Main Street (account ending in 5024) are routinely in the thousands of dollars. For example, the November 2016 National Grid bill was for \$7,200.89; this bill was paid via check from a LAVERTY & SON account, which bears the signature of Andrea LAVERTY.

#### **SURVEILLANCE OF 843 MAIN STREET**

19. While conducting surveillance near 843 Main Street at various times in 2017, I observed Thomas LAVERTY, Andrea LAVERTY, and numerous vehicles registered to Andrea LAVERTY and/or Thomas LAVERTY. I also observed numerous other individuals coming or going from 843 Main Street, including PERSON 2, whose presence at 843 Main Street appeared consistent with regular employment at that location.<sup>6</sup>

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<sup>4</sup> As a comparison, under the previous occupant of 843 Main Street, electrical usage for June 2016 was 7,800, KWh and usage for May 2016 was 1,600 KWh.

<sup>5</sup> Based on my training and experience, I know that large amounts of electrical power are needed in support of indoor marijuana cultivation. Large amounts of electric power are used because of the use of artificial lighting in place of the sun when growing indoors. These lights are referred to as “grow lights” and are often 400 watt to 1000 watt metal halide or high pressure sodium bulbs. In addition, I know that indoor marijuana growing operations require excessive amounts of electricity to power the hardware needed to grow the plants. I know that indoor cultivators of marijuana utilize large quantities of electricity to operate air conditioners, lights, and other equipment.

<sup>6</sup> The identity of PERSON 2 is known to this affiant but is not disclosed herein, as PERSON 2 is not the subject of the requested complaint or arrest warrants.

20. I have also observed vehicles depart 843 Main Street and proceed to 5 Victoria Terrace. On September 18, 2017, I observed a van registered to Andrea LAVERTY exit the garage doors at 843 Main Street; approximately 40 minutes later, I observed this van parking outside 5 Victoria Terrace. I then observed two individuals carry a total of seven large buckets from the van and up the stairs towards the residence at 5 Victoria Terrace. Based on my training and experience, and information developed during this investigation, I believe that it was likely that these buckets contained marijuana.

### **SEARCH OF 843 MAIN STREET**

21. On October 17, 2017, agents conducted a search of 843 Main Street pursuant to a federal search warrant. Thomas LAVERTY, PERSON 1, and PERSON 2 were present.

22. Agents located a large, commercial-style marijuana grow operation in the warehouse that is adjacent to and part of the residence at 843 Main Street. This grow operation included more than 1,000 marijuana plants as well as significant infrastructure including lighting, cooling, and watering equipment.<sup>7</sup>

### **SEARCH OF 5 VICTORIA TERRACE**

23. On October 17, 2017, agents conducted a search of 5 Victoria Terrace pursuant to a federal search warrant. Charles LAVERTY and Andrea LAVERTY were present.

24. Agents located a large quantity of marijuana in the garage of 5 Victoria Terrace. Some of this marijuana was packaged in bags for apparent distribution, and other marijuana was

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<sup>7</sup> Based on my training and experience, and in particular my familiarity with the appearance, odor, and feel of marijuana and marijuana plants, I am confident that the plants found at 843 Main Street were in fact marijuana plants. Further, based on my training and experience, the marijuana produced by the massive grow operation found at 843 Main Street vastly exceeds what an individual or couple would grow for personal consumption; given the significant expenses and upkeep needed to maintain a grow operation of this scope, such an operation would only be maintained for the purpose of distributing the harvested marijuana.

in various stages of drying and processing, or was stored in plastic bins.<sup>8</sup> In addition, in the garage at 5 Victoria Terrace, agents located a marijuana grow operation with significant infrastructure including lighting, cooling, and watering equipment.


### CONCLUSION


25. Based on the foregoing, I respectfully submit that there is probable cause to believe that Charles LAVERTY, Andrea LAVERTY, Thomas LAVERTY, and others have conspired to manufacture marijuana, to distribute marijuana, and to possess marijuana with the intent to distribute.

WHEREFORE, your affiant requests that this Court issue the requested criminal complaints and arrest warrants.

  
Robert Olsen  
Special Agent

Sworn to before me on October 23, 2017

  
Honorable David H. Hennessy  
U.S. Magistrate Judge



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<sup>8</sup> I have viewed photographs taken of some of the marijuana found at 5 Victoria Terrace. Based on my training and experience, it appears to me that these photographs indeed depict marijuana and/or marijuana plants.